

# The Charlotte Journal.

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## MR. CLAY'S SPEECH.

IN UNITED STATES SENATE,  
OF TUESDAY, MAY 22.

The Bills from the Committee of Thirteen being under discussion, Mr. Clay addressed the Senate, in reply to Mr. Soule, as follows:

Mr. Clay. Mr. President: The debate of this day has been conducted with great irregularity. A single proposition was before the Senate and that on an amendment to a particular section, as to the prohibition against legislation by the territorial legislatures, as to the subject of slavery, and although that was the solitary question before the Senate, Senators have ranged out upon the wide ocean of discussion, embracing in the course of their argument the entire subject of the compromise. I feel constrained in vindication of the act of the committee, of which I was a humble member, to meet some of the arguments of the Honorable Senator, and I will begin with the last. The Senator from Louisiana, (Mr. Soule,) finds himself incompetent to concur in the scheme of compromise which has been proposed. Will that Senator condescend to present a project of his own for the satisfaction and reconciliation of the people of this country? Will he tell us what he wants? Sir, this finding of fault, and this discovering with the aid of magnifying glasses, of defects, of little comicalities which are upon the surface of matter, that are not discernible to the naked eye, is a practice which can be attended with no practical benefit. It is the duty of the Senator who has just addressed us, as well as the duty of all who assail this compromise, to give a project, or to tell us how they can reconcile the conflicting interests of the different parts of this country, and harmonize those distracted portions. I venture to say, upon every subject of which the learned Senator has treated, he has done great injustice to the acts of the Committee; and I do not mean to follow him throughout, but I will take a rapid notice of his objections to the various features of this report. The Senator began, if I am not mistaken, with an objection to that which relates to the recovery of fugitive slaves, and he said with an air of dissatisfaction, if not of some derision, that the committee had brought back that bill with certain amendments, instead of improvements. I beg him to recollect, Sir, that the greatest objections which have been made to the part relating to fugitives, come from States which are not suffering materially under the evil complained of. I stated the other day, and I will repeat it now, that my own State is the most southern State; and I venture to state that Louisiana is the least so. But yet the Hon. Senator, when we of the border States are perfectly satisfied, I believe, with the provisions, sees in them objections which are insurmountable. And what are the objections of which he complains? Why, that the slave owner in pursuit of his fugitive property is to carry with him a record. That I contend, is an advantage; a protection to the slave holder—a great advantage; for that record will command a respect in the Free States, and give him a security which no affidavit before a Justice can confer.

And with respect to the other subject reported by the committee—that of trial by jury. Where is the practical inconvenience of a trial taking place in a State from which the fugitive has fled? And in point of practical effect, I venture to say it will not occur in one instance in a thousand, because wherever the fugitive is arrested, and claims before the officer who is to grant the certificate for his return, that he is a freeman, it will almost in every instance be found that this claim for freedom is a mere pretext, and when he gets back to his own State he will abandon the pretext. Let it be remembered, too, that this is proposed as a substitute, as a satisfaction to the North for that trial by jury, for which they contend, and which I have insisted would amount to a virtual surrender of the Constitutional provisions.

Mr. President, I find myself in a very peculiar and most painful situation in respect to the defence of this report. I find myself assailed by extremes every where—by undercurrents—by those in high and low authority, but believing as I do, that this measure only will pass, if any does, during the present session, I shall stand up in its support against all objections springing from whatever quarter they may. It was but the other day that I found myself reproached at the North for uttering a calumny upon their institutions by saying that a trial by jury in the case of fugitive slaves could not be relied upon as a remedy for a master who had lost a slave. As if I had not commended and applauded the administration of justice upon the subject of fugitive slaves, so far as it respected, at least, federal and State courts generally! I argued that if you require from a Kentuckian who has lost his slave, that he shall resort to trial by jury in Massachusetts on the question of the fugitive's freedom, it will be requisite in consequence of such an assertion of his privilege, that you draw testimony from Kentucky—that you delay the trial from time to time—that the power of granting a new trial shall be awarded—that an appeal and a supervising power will be necessary upon the final trial, so that when you sum up the case at the close, although the owner may recover his property, he has spent perhaps twice the value of his slave. That was the argument, and yet at the North by one of those extremists by which I find this measure of the Committee assailed, I am accused of casting unmerited approbation upon the trial by jury. These amendments are objected to as giving embarrass-

ment to every Louisianian in the recovery of his property. There are some men to whom the old adage would very well apply:

"I do not like you, Doctor Fell,  
The reason why I cannot tell;  
But this one thing I know full well,  
I do not like you Doctor Fell."

They are determined to find objections to a measure, if not practical, theoretical, and such as they hope will lead to a subversion of the measure. Now, sir, follow the honorable Senator a little further. The great objection was in the prohibiting the territorial legislatures from passing any law in respect to slavery within the territories. Did the Hon. Senator know the history of that clause? Did he know that it was moved in the Committee of 13 by his own colleague? Did he know that clause was voted for by every Southern man in that Committee, with the exception of myself (if I am to be denominated, contrary to what is the usual habit of denouncing myself)? Every Southern man voted for the clause which is the theme of the learned Senator's long address, and did so against my opinion, and against the opinion of the Northern Senators who were upon the Committee, with one solitary exception. And yet, the moment it presents itself, although it comes under Southern auspices, it is objected to. Again—I ask the Hon. Senator from Louisiana, (Mr. Soule) and all that concur with him in the opinion and object of this measure, to tell us what you want; put it down in black and white, and give us a project and let it be compared with the project of the Committee; and let us know the full extent of the demand, and then we shall be able to pass judgment upon it. Do not restrict yourself in the unstatesman-like mode of finding faults without offering any healing or salutary substitute for the measure which you oppose.

The Hon. Senator finds great objection to the clause of prohibition. He tells us that there is no police regulations there. There is slavery there, or there is not. If there is no slavery, there is no need of police regulations; if there be slavery, there are police regulations existing already, and I imagine they will be found sufficient, or if they have not been found efficient in the past, they will be found sufficient for that period of time which is to elapse from the present down to the formation of the States in the territory. Get out of that dilemma if you can. I repeat if there is slavery, there are police regulations; if no slavery, no police regulations are wanted.

The aim of the Committee in the introduction of this clause, (I believe I speak for every member of it—the honorable mover as well as others,) was simply this, to declare that the Territorial Legislature should have power neither to admit or exclude slavery. That was our purpose; and if the amendment does not accomplish that purpose, would it not be more consistent with the spirit of that unity—which desires for settling these questions, which I hope animates the Senators from Louisiana, to have moved an amendment for the purpose of accomplishing the prohibition by the Legislature of the territories from admitting or excluding slavery, than to talk in the formidable way he has done, as if my resolutions were lacking under that clause as if that clause meant to assert some new and dangerous principle.

Then the Hon. gentleman objects to the clause, interdicting the slave trade in the District. He objects to that on two accounts. In the first place the report of the committee does not affirm that there is no constitutional power in Congress to pass laws upon the subject of slavery in this district. And what is the state of opinion in the country and in the Senate upon this subject? A large portion of the Senate believe that Congress possesses power, to abolish slavery in the District; another large portion believes that it has no such power; and how does the Honorable Senator expect to arrive at a compromise, in which one of these opinions shall be made to triumph over the other? How does he expect Senators who think that the power exists to prohibit slavery in the District, are to plunge their hands into the inmost recesses of their souls and drag out the conviction that is planted there? If he wants a compromise, he must take it without asking a surrender of opinion on one side or the other. If he does not want a compromise—if he wants the conflicts of the country to continue, and these distinctions to be increased or aggravated, then let him insist that one class of Senators shall surrender the opinions which it holds to the other class. I thought the committee were, upon that subject, as amicable as could be. This clause neither affirms nor denies the power to abolish slavery in the District of Columbia. It says it ought not to be done, and the man who thinks it ought not to be done upon constitutional grounds should be satisfied. The man who thinks the constitution authorizes that it ought not to be done from considerations of expediency and of kindness and of fraternal regard for the different sections of the Union, ought also to be satisfied. Thus, by neither affirming the power, but by asserting that the power ought not to be exercised, I say that the very spirit of compromise prevailing on both sides ought to be perfectly satisfactory. Does the Honorable Senator expect that my learned friend whom I see before me, who has no doubt about the power, will give up that opinion and renounce his deliberate, well formed opinions, which he has entertained for years? Does the South make any such demand? Will the Senator from Louisiana demand it? Why, sir, the demand is that there shall be no compromise—no settlement of the questions which agitate the country.

But the honorable Senator has misconceived the report. The bill which has been reported is a mere repetition of the law of Maryland, and in relation to which, by-the-by, I will show how wrong it is to pre-judge. An honorable friend of mine in my eye, has suggested that the object can be accomplished in a mode by which I should like to know from the Senator from Louisiana, whether it can be accomplished or not. The introduction of slaves into the District, either for sale, or placed in a depot for subsequent transportation, arises out of the laws passed by Congress itself, permitting it to be done. A friend said to me some time ago, "Mr. Clay, you can accomplish the object at which you aim by simply repealing those laws and leave the State law where Congress found it, where, by law, it allowed the introduction of slavery here." I have not examined that law, but I have no doubt, from the gentleman's familiarity with the laws of Maryland and of the District of Columbia, that what he stated was perfectly correct. Now, I ask, if instead of the provision which is proposed, by which we merely use the language of the law of Maryland at the time this District was set apart by that State—the precise language forbidding the introduction of slaves for sale and declaring that their introduction contrary to law should forfeit the rights of the master to his slave, and that the slave should become free—if instead of that law the bill offered by the Committee were proposed to be amended so as to merely repeal the acts of Congress in relation to the slaves introduced into the District and transported hence to New Orleans, would he think that a wrong committed against the institutions of the South—one which would be alarming to the rights of the people of the South? Sir, where there is a disposition to look at things with an impartial, and dispassionate eye, to look at all the interests of all the parts of the country and to all the prejudices, we will be more likely to arrive at a satisfactory, harmonious result. But to attach ourselves to a single position and to seek to bring everything to the standard of our own peculiar opinions, is calculated to produce such a result. Again, I say that the Senator is mistaken in supposing that a resident of the District can go out of the District and buy a slave and bring him in.

Mr. President, it is time that the troubles in this country should be settled. I am not one of those who, either at the commencement of this session or at any time during its progress, have believed that there was any actual present danger to the existence of this Union; but I am one of those who believe that if this agitation be continued for one or two years longer, no man can say in what or where it will end. Dissolution of the Union—one of the greatest calamities, in my opinion, that could befall this nation—may not in form take place. But next to that is the dissolution of all those fraternal and kindred ties which bind us together as one christian and commercial people. I repeat that, in my opinion, the body politic is incompetent for one or two years longer to bear this agitation without severing the bonds of that reciprocal trust which now unites us—and without eventually coming to what the Almighty preserver of us all alone can tell. I will go so far as to express the opinion that unless this compromise—I do not say the exact words of the Committee—I do not mean to exclude amendments, improvements and modifications so as to satisfy all—but unless some such scheme as this shall pass, I venture to predict that nothing will be attained for California—nothing for the Territories—nothing for the fugitive Slave Bill, or for the bill concerning slavery and the slave trade in this District. I venture to say that instead of healing and closing the wounds of the country, and stopping the effusion of blood, it will widen still greater quantities to the great danger of this Republic. I repeat that in my opinion the measure upon your table with such amendments as it may receive, or some tantamount measure, must pass, or nothing will pass upon all the subjects to which we have referred. I believe there is a majority in both Houses of Congress in favor of passing the California bill. But there are causes upon which I shall not dwell, and which are never adverted to by me with pleasure, but on the contrary with pain, which will render it impossible, I am afraid, for that bill to pass.

What will be the condition of this country? Let us suppose that Congress does nothing. Let us suppose that it fails to furnish a remedy for any one of the evils which now afflict the country, and that we separate and go home under those natural feelings of dissatisfaction and discontent which will arise out of the failure of Congress to adjust these great matters. I say nothing of the reproach and of prohibition which will be brought upon us by all Christendom; I say nothing of those who are looking upon us with anxious solicitude under the hope that we will fulfill the high destinies of this great republic; I say nothing of that large portion of mankind who are going with intense anxiety upon this great experiment in behalf of man's freedom; I say nothing of all this matter of our vainly endeavoring, after the lapse of six or seven months, to reconcile the distracted and divided parts of the country. You go home filled with passion and wrath, and urge one section against the other, each to agitate its portion against the opposite portion. Sir, can the Country—can the Republic endure under such a state of things? Let me suppose however, sir, that you reject this bill and pass the California bill, and we go home in that state of things. What will not the South say? What reproaches will it not level at the North upon this subject? They will say to the North—"you got all you wanted; you got the substitute for the Wilmot Proviso; you have got a clause more effective, more efficacious than the Wilmot Proviso; you have got the inhibi-

tion of slavery in the Constitution of California; you have got all you wanted, and you have refused all that could be granted to the other sections of the Union. You have got all you wanted and you mean hereafter to take all that remains and to appropriate it to yourselves. In this condition of feeling, of mutual exasperation and excitement—with heated members—with heated parties—with heated lectures—with heated minds—how do you expect to come back here cool and calm, and to dispose of all the difficulties which six months of traitorous anxiety have shown you incompetent to accomplish.

Now, Sir, allow me to call the attention of the Senate to a very painful duty which I am constrained to perform, but which I shall perform nevertheless, let it subject me to what interpretation it may, here or elsewhere. I mean that of contrasting the plan proposed by the Executive of the United States with the plan presented by the Committee of Thirteen; and if that Executive has a single friend here (I do not mean exactly that, because I feel myself to be a friend of the Executive, and most anxious to co-operate with it altogether) but if there be a friend here who prefers the measure of the Executive to that of the Committee, let him stand up here and meet me face to face upon the argument which I am about to offer. I challenge the contrast and comparison which I am about to make here.

What is the plan of the President? In the first place, Mr. President, let me say, that it is most apparent, that every friend of his country must be anxious that all our difficulties should be settled, that we may once more restore concord and harmony to this country. Now what is the plan of the President? I will describe it by a simile, in a way which will not be easily misunderstood. Here are five wounds—bleeding and threatening destruction to the country. What is the plan of the President? To heal all those wounds? No sir; no such thing—it is to heal one only of the five and leave the other four bleeding, even if it produces death itself. I say five wounds are bleeding; there is California, the first; there are the Territories, the second; there is the question of the Boundary of Texas, the third; there is the Fugitive Slave bill, the fourth; there is the question of Slavery in the District of Columbia, fifth. The President proposes—instead of a plan comprehending all the diseases of the country—a plan which looks only at one, and recommends it, it is true, but the recommendation does not embrace the fugitive slave bill, or the district bill—but he recommends the two others to remain untouched, to cure themselves by some law of nature, or some operation which he does not design to discuss.

I have seen with surprise and regret the persistence—for so I am compelled, painfully, to regard it—from the Chief Magistrate of the country, in his own peculiar plan. I think, in a spirit of compromise, the President ought to have come to us, and not we to him. What was his plan? The admission of California. We were willing to admit California, and it comprises part of the general scheme which we have offered to the country. In the spirit of compromise, which I trust does, and which I know ought to animate both sides of Pennsylvania avenue, we had a right to suppose, the Executive would be satisfied. We went as far as he went, but thought he did not go far enough to heal all the wounds of the country, and therefore offered him our measures to close on the four remaining wounds. I think, in that spirit of peace and concord which ought to animate the different departments of the Government, the President should have hailed with pleasure the plan which we offered, embracing as it did, the very plan which he proposed as a part of itself, and that there should have been no dissatisfaction expressed in his name or by his authority.

Let us look a little further into this comparison, which I make most painfully. When I addressed the Senate some time since, I was in hopes that there would have been a reciprocity from the other end of the avenue, of approval of the entire scheme, rather than of this part of it only, which of itself would exasperate and aggravate, instead of harmonizing the country. I did hope that we should have had some sign, in some form or other, of the Executive satisfaction with the entire scheme.

Let us look at the condition of the territories and of the Country. I endeavor to discriminate—and by the by, it is a discrimination essential to the public mind for a just consideration of the subject—between action in regard to slavery, and non-action as it respects the government of people, who, by the ordinances of Providence and the course of events, have come to our hands to be taken care of.

The recommendation of the President steps, as I have already said, with the simple introduction of California as a State into the Union—a measure with which, standing by itself, there have been the strongest manifestations of dissatisfaction in the Southern portion of the country. The measure proposes to leave all else untouched and unprovided for. Let us see what will be the condition of all else, thus left untouched!

The first proximate territory to California is Utah. In what condition is that left by the President's Message? Without any government at all. Without even call it a blessing or a curse, as you may view it—a military government. There is to be no government except such a self-protective government as the Mormons shall erect for themselves. Until the common parent shall extend its power and authority over it, Utah will have no government at all.

Then we come to New Mexico; and in

what condition do you have her? You leave New Mexico with a military government, which is no government.

Under what circumstances, if Congress were to adjourn without an adjustment of this territorial boundary question, without the establishment of Territorial governments for Utah and New Mexico, would be left the people of New Mexico, East of the Rio del Norte, in this conflict with Texas? Sir, I need not remind you of what every body knows,—of the settled purpose of dislike of insufferable authority existing upon the part of the people of New Mexico towards Texas; disowning their authority, denying their conquests, contravening the existence of their laws and right, and if they have the power to do it, revolting against their authority. Yet all this is to be left alone, and left to take care of itself by the plan of the President.

That is not my conception of my duty as a Statesman, to perform what we have promised to perform.

My duty tells me to extend to the people of Utah, a new empire, the benefit of the supreme authority in which they participated, when they were a constituent portion of the Republic of Mexico, and which, when they came to us we promised to extend to them. That is my conception of my duty, and I will undertake to do it. If I cannot, on account of any other obstacles which may be thrown in my way, I shall not have answered from my duty, but I shall stand acquitted in the sight of God, and in my own conscience. I shall be irreproachable for having deliberately neglected to fulfill, or attempt, what I believed to be the right kind of action for applying a remedy to the evils which the country labors under. While the President's plan is confined to a single measure, leaving untouched the Governments of Utah and New Mexico—leaving the whole question in respect to them unsettled, and those territories unprovided for—leaving the boundary between New Mexico and Texas open—one of the most threatening questions that now present themselves to the country—he also leaves unsettled, or has failed to recommend any plan of settlement or accommodation for the important and irritating question of fugitive slaves.

I repeat it—let him who can, stand up here and tell the country and satisfy his own conscience, when the whole country is crying for peace, when it is imploring its rulers to bring quiet and repose to its distracted members—let him tell the whole country—not in the columns of a newspaper, but in his place here in the Senate—that the plan, as proposed by the executive authority, is such a one as is demanded by the necessities of the people, and the exigencies of the present crisis. I shall be glad to hear that man, who can show such to be the case, and when I am satisfied of it, I shall readily surrender any plan which I may have had more or less instrumentality in devising.

Sir, I know that there is a floating idea in the Southern mind such as we heretofore have heard insisted upon, on this floor, of an equilibrium of power between the two sections of the Union—some balancing power. However desirable some such political arrangement, if possible to render it practicable, might be, we all know that it is utterly unattainable. We all know that the rapid growth and the great progress of the Northern portion of this country is such that it is impossible for the South to keep pace with it, and that it is therefore impossible for it to compete with it in power, unless the rule of all Republics shall be reversed, and the majority be governed by the minority. But because it is impossible that there should be an entire equality in this respect—because there is not, and cannot be, an entire equilibrium of power between the different sections of the country, does it therefore follow that the Southern portion of the Union is in any danger, and that the institution in which it is especially interested, is put in peril by the fact? I trust not. I believe not. What are the motives for Southern rights in that particular institution? In the first place, there is that sense of justice which pertains to men—to every man, in virtue of the fact that he is a man. In the next place, there is the Constitution of the United States. In the next place, there is the oath which we all take to abide by that Constitution. In the next place, there is the necessity of the concurrence of the two branches of the National Legislature before any act of legislative infliction of wrong can take place. In the next place, there is the veto of the President of the United States applicable to any unconstitutional legislation which might take place in relation to this institution. Last of all, while we refer to peaceable and civil remedies, there is the Supreme Court of the United States ready to pronounce upon the amendment of every constitutional law which may happen to receive the sanction of the Executive branch of the Government. There is also the responsibility of Representatives and Senators to their constituents; and lastly, though I trust in God that we shall never have occasion to use it, there is the final right to resort to arms and to make resistance when oppression and tyranny become intolerable.

Well, again, is the fact that this great interest of slavery is in a minority in the Senate, a fact peculiar to that interest? No, sir, not at all. How is it with the fishing interest? It is greatly in the minority. How is it with the manufacturing interest? That too is in the minority. How is it with the commercial interest? In the minority. In short when we pursue the inquiry, we find that every interest is in the minority, except

that great and all prevailing interest of agriculture which exists from one end of the country to the other. Well, sir, when all these enumerations are combined together with the possibility of the final resort to arms, what further securities can be sought for, or what would those who are fearful and disconcerted be satisfied? There is all reasonable security against any abuse of power, any intolerable use of power, arising from causes which you can no more arrest than you can check the beams which are darted daily from that luminary of the system of which our planet forms a part—or than you can stop up and make flow back again upon the Rocky Mountains, the Mississippi river. It is utterly in vain to hope that you can ever procure that equilibrium of which we have heard some speaking at this session of Congress, between the slaveholding and the non-slaveholding States. I hope and I believe that it is unnecessary—but necessary or unnecessary, it is utterly unattainable, from causes over which you have not the slightest control.

I conclude by urging that the plan of the committee proposes to close and heal the five wounds from which the country is bleeding, by a comprehensive compromise. I know, sir, what will be said. I know that it will be said that the agitators will, even after the passage of these measures, continue to agitate the two extremes with their cry for these respective favorite measures; that the Wilmot Proviso will be proposed to be added, by a supplementary act, to the territorial governments; or that it will be required to be inserted in the constitutions which these territories may adopt. I have heard it said, even upon this floor—pass all your measures, Mr. Clay, and we will cry out, *repeal, repeal*. But I think I know something of the nature of my countrymen. I speak also from the authority and by the aid of history. At the time when the memorable Missouri compromise agitation elicited more intense anxiety throughout the country than there is now, the whole country was in an uproar—one half on the side of the exclusion of Missouri, the other on the side of her admission. Every legislative body in the twenty-three or twenty-four States—I do not recollect the precise number of States then—had denounced or approved the measure. The final settlement was carried into the House of Representatives, where the great struggle took place, and the victory won by a small majority. What was the consequence?—Everywhere was joy, exultation and triumph; that the unhappy controversy was quietly settled, and the man who would have dared to interrupt the universal harmony which prevailed throughout the country would have suffered reproach and rebuke from the indignant voice of his country. And now I venture to say, that if this measure of compromise goes to the country with the emotion and influence which it will carry if it prevails, the opinions of this Committee of Congress, and of the Executive in its favor, and calculated as it is to bring peace, harmony and happiness again to the people of the several States—I venture to say that if it is passed and goes to the country, that agitation is ended. They may creak and howl, as they please. It is only a few miserable traders in agitation—men who live by means of agitation—men who are not satisfied until they can place themselves at the head of a little coterie of followers whom they attach to their coat tails—and with whom they can come to the Democratic party, and say, "take me, I am a good Democrat—I can bring to you this capital"—or who will go in the Whig party, and say to it, "take me—I have this little balancing power—I will enable you to triumph over your adversaries"—it is only such men as will raise a cry against it. I will venture to say that if this compromise is passed, and goes to the country, all such agitator will be rebuked by the public indignation into silence. I have done. I will trespass upon the time of the Senate no longer, as I have said more than I intended to have said when I commenced.

## WOMAN.

A writer in a late Review, speaking of the Roman women, and their influence during the existence of the kingdom, says:—"From the time of the Sabine to Theodora's conquest of Justinian, women seem to have been at the bottom of almost all the memorable events of Roman history. Lucretia, Virginia, Veturia, Fabia, the wife of Licinius, who became at her instigation the first Plebeian Consul, are illustrious examples of this; and whatever may be the changes of manner of opinions, as Hume has well remarked, all nations, with one accord, point, for the ideal of a virtuous matron, to the daughter of Scipio, and the mother of Gracchi." Who, then, will doubt the influence of woman?

## EARLY RISING.

A habit of early rising brings two-fold wealth of great price to man; health and length of days. The former is demonstrated by experience, the latter by calculation. The difference between rising every morning at five and seven o'clock in the course of forty years amounts to 20,000 hours—years, one hundred and twenty years, and ten hours, which will give you a day for exactly ten years. So by rising two hours earlier every morning, a person may add ten years to his life. Wisdom says rise early; and we have good authority for saying that "length of days is in her right hand."